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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/606,628

06/26/2003

Junichi Yamagishi

F-7876

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JORDAN AND HAMBURG LLP

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NEW YORK, NY 10168

EXAMINER

PRAKASAM, RAMYA G

ART UNIT

PAPER NUMBER

3651

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

02/06/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

10/606,628

Applicant(s)

YAMAGISHI, JUNICHI

Examiner

Ramya G. Prakasam

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3651

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 14 November 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 9 and 12 is/are allowed.
- 6) ☒ Claim(s) 1-8, 10 and 11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

### DETAILED ACTION

1. The amendment filed on 11/14/2006 has been entered.
2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior office action.

#### *Claim Rejections - 35 USC § 112*

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 10-11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
5. Claim 10 recites the limitation "the linear material" where no linear material was previously defined. There is insufficient antecedent basis for this limitation in the claim.

#### *Claim Rejections - 35 USC § 102*

1. Claims 1-4 are rejected under 35 U.S.C. 102(b) as being anticipated by Rasmussen (U.S. Patent No. 5,876,275).

Rasmussen discloses an apparatus for supporting objects to identify, comprising:

- A belt configured to transport the objects through a photographing section (See Column 1, lines 14-19); and
- A linear material (78) stretched across the photographing section in the object transporting direction (See Figure 6C);

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- Each of the objects transported by the belt to the photographing section being supported between the belt and the linear material and photographed from the linear material side (See Column 3, lines 51-55).
- A frame (78) configured to be detachably attached to the photographing section and having a photographing window across which the linear material is stretched (See Column 3, lines 57-58);
- Upstream and downstream guides arranged at upstream and downstream sides of the photographing window, respectively, configured to support the linear material (See Figure 6C);
- A slide face formed at least on the upstream guide, configured to face the belt (78, See Figure 7); and
- a recess formed in the slide face (90, 92), configured to receive the linear material,
- each of the objects transported by the belt to the photographing section being guided along the slide face on the upstream side of the photographing window toward the linear material and belt so that the object is supported between the linear material and the belt and transported thereby (See Figure 6C).
- Wherein the objects are flat and have disk shapes of different diameters (See Column 3, lines 64-67 and Column 4, lines 1-4); and
- A plurality of the belts and linear materials are arranged in parallel with one another with the linear materials being distanced from one another to support and transport the objects of different diameters between the belts and the linear materials (See Figure 6C).

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 5-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rasmussen in view of Martin (U.S. Patent No. 6,196,371).

Rasmussen discloses all claimed limitations, except for the use of a string as the linear material. Martin discloses the use of a string (2106a, b, c) for the purpose of supporting the coins as they come down the conveying structure (See Column 14, lines 28-30). It would have been obvious to a person of ordinary skill in the art at the time of applicant's invention to modify Rasmussen by utilizing a string for the purpose of supporting the coins as they come down the conveying structure.

***Allowable Subject Matter***

4. Claims 9 and 12 are allowed.
5. Claims 10-11 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.
6. The following is a statement of reasons for the indication of allowable subject matter:  
Claim 9 recites an imaging device disposed to image a frame area, a moving belt, a frame structure, and a line tensioned across the frame disposed between the imaging device and frame structure and opposing the moving belt such that the objects are retained between the line and the

moving belt. These claim limitations, in combination with the other limitations of the claims, were not found in the relevant prior art.

### ***Response to Arguments***

7. Applicant's arguments filed on 11/14/2006 have been fully considered but they are not persuasive.

8. With regards to applicant's argument that Rasmussen the escalator, therefore the belt recited in Claim 1, is contained in the Background of the Invention Section, and not in the Detailed Description, the escalator is in fact disclosed in the Detailed Description, and therefore is a part of the invention. The escalator, as shown in 26, is described in Column 2, lines 50-60.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., that the linear material be stretched over itself) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

### ***Conclusion***

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after

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the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ramya G. Prakasam whose telephone number is (571) 272-6011. The examiner can normally be reached on Monday - Thursday, 8:30am-7pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gene Crawford can be reached on (571) 272-6911. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

2/5/2007  
RGP

  
GENE O. CRAWFORD  
SUPERVISOR, PATENT EXAMINER